

REMARKS

Favorable reconsideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 195-203 are pending in the present Application. Claims 195 and 202 have been amended, non-cosmetic changes find support at least at page 34 of the specification. No new matter has been added.

By way of summary, the Official Action presents the following issues: the drawings are objected; Claim 195 is rejected under 35 U.S.C. § 112, second paragraph; Claims 195-201 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bassett et al. (U.S. Patent No. 7,010,492, hereinafter “Bassett”) in view of Ginter et al. (U.S. Patent No. 6,658,568, hereinafter Ginter); and Claims 195-201 stand rejected under 35 U.S.C. § 103 as being unpatentable over Bassett in view of Ginter and further Venkatesan et al. (U.S. Patent No. 6,898,706, hereinafter Venkatesan).

OBJECTION TO THE DRAWINGS

The Official Action has objected to the drawings. The Official Action has objected to the drawings as allegedly failing to show every feature of the invention specified in the claims. Specifically, the Official Action notes at page 2 that the two separate data-transmitting sections of claim 195 are not shown in the drawings. Applicant respectfully traverses the objection.

Applicant respectfully directs the Examiner’s attention to Figure 3 and its corresponding description in the specification at page 17. As shown in Figure 3 a content generating apparatus (121) is shown which generates content data, such as multimedia data items that are combinations program data, and auxiliary data items. This exemplary structure and functionality is recited in Claim 195 as “a first data-transmitting section”. Likewise,

Figure 3 describes a contents transmitting apparatus (125) which provides new content from an apparatus (120) based upon the editing operation of a contents-output control section (124). In this way, section (125), corresponds to the claimed "second data-transmitting section" as recited in Claim 195.

Alternatively, as shown in Figure 1, a transmission/reproduction control (100A) may embody both of the first data transmitting section and the second data transmitting section as recited in Claim 195.¹ In other words, the first data transmitting section and the second data transmitting section may refer to sub-components of a single hardware/software structure. Thus, Applicant respectfully submits that every feature of Claim 195 is shown in the drawings. Thus, Applicant respectfully requests that the objection to the drawings be withdrawn.

REJECTION UNDER 35 U.S.C. § 112

The Official Action has rejected Claim 195 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses the rejection.

As noted above, the claimed first data transmitting section is recited as providing content in a specified format. Namely, the content is formatted into multimedia content groups, each including program data and auxiliary data items. An edit control section is provided to edit the formatted content. A second data-transmitting section assembles content based upon the editing operation for transmission therefrom. Thus, the second data transmitting section transmits selected data. As such, this is the purpose for having two separate sections.²

With regard to the paragraph 7 of the Official Action, Applicant notes, as above, that the edit control section is provided to edit all content provided in the specified format of the

¹ See the specification at page 11.

² See Official Action of June 26, 2006 at page 3 in which the Examiner seeks clarification of this issue.

first data-transmitting section. Upon the assembly of new content by the edit control section a second data-transmitting section is provided to transmit the new content, which is a subset of content available from the first data-transmitting section.

Accordingly, Applicant respectfully requests that the rejection to Claim 195 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 195-201 under 35 U.S.C. § 103 as being unpatentable over Bassett in view of Ginter. The Official Action cites Bassett as disclosing all of the aspects of the Applicants' claimed invention, with the exception of distributing content wherein the content includes auxiliary data items having an effective reproduction date. The Official Action cites Ginter as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claims. Applicant respectfully traverses the rejection.

Amended Claim 195 recites, *inter alia*, a data-providing system, including:

. . . an edit control section configured to perform an editing operation on the attributes of each program data and auxiliary data items, thereby automatically assembling new content data the attributes including a conflict attribute identifying associated content data which is precluded from assembly with predetermined other content data for providing new content data; and

a second data-transmitting section configured to select the auxiliary data items to be inserted into the program data in accordance with the new content data assembled by the edit control section, thereby to transmit a continuous stream of adapted content data that includes multimedia content groups, each composed of the program data and the auxiliary data items, wherein at least one of the auxiliary data items include an effective reproduction date.

Bassett describes a distributed data processing system for decreasing bandwidth usage and for providing increased client customization of programs or events.³ As shown in Figure 4, a client (400) provides a request (402) for programming content to an originating server (404). The originating server sends the requested programming as a set of the data streams (406) back to the client. The data streams (406) may be used to present programming or events to a user and may comprise one or more video streams components, one or more information stream components, and one or more audio stream components.⁴ As shown in more detail in Figure 13, a profile is retrieved from the user system for identifying data streams to be transmitted to a user. In this way, content is tailored based upon user preferences.

Ginter describes a method of electronic commerce in which media content may be limited with respect to a date of a reproduction.⁵

Conversely, in an exemplary embodiment of the Applicant's invention, content data is provided from a data transmitting section; the content data includes multimedia content groups, each including programming data and auxiliary data. An editing control section is provided to perform an editing operation on the attributes of each program data and auxiliary data items. In this manner, a program stream having attributes corresponding to the editing process may be provided to a user for presenting new content data. The attributes include a conflict attribute identifying associated content data which is precluded from assembly with predetermined other content data for providing new content data.

As can be appreciated, the editing interaction of the claimed advancements enables customization of program data based upon conflict attributes which may identify for example

³ Bassett at column 5 lines 38-41.

⁴ Bassett at column 6 lines 19-33.

⁵ Ginter at column 21 lines 47-67.

competitive content providers, and limit the use of certain content relative to competitors as recited in new Claim 203.

Bassett does not disclose or suggest providing a conflict attribute which is associated with content data to preclude the assembly of the associated content with predetermined other content data for providing new content data as recited in Applicant's amended Claim 195 and any claim depending therefrom. Accordingly, Applicant respectfully requests that the rejection of Claims 195-202 under 35 U.S.C. § 103 be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 195-201 under 35 U.S.C. § 103 as being unpatentable over Bassett in view of Ginter and further Venkatesan. The Official Action contends that the combination of Bassett and Ginter describe all of the Applicant's claim features with the exception of predetermined conditions relative to the assignment of right for editing attributes of each auxiliary data item. However, the Official Action cites Venkatesan as describing this more detailed aspect of Applicant's claimed advancements and states that it would have been obvious to one of ordinary skill in the art at the time the advancement was made to combine the cited references for arriving the Applicant's claims. Applicant respectfully traverses the rejection.

As noted above, the combination of Bassett and Ginter do not disclose all of the features of the Applicant's amended claims. Likewise, as Venkatesan does not remedy the deficiency discussed above, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

Moreover, Applicant notes that Venkatesan describes a method providing watermarks into video content. As the watermarks simply providing means for tracking the reproduction of content and visually impairing the content, Venkatesan cannot disclose or suggest an

auxiliary data item including a validity term and a rule set relative to the assignment of rights for editing the attributes of each auxiliary data item as recited in amended Claim 202.

Accordingly, Applicant respectfully request that the rejection of Claims 195-202 under 35 U.S.C. § 103 be withdrawn.

NEW CLAIM

New Claim 203 describes a more detailed aspect of the Applicant's claimed advancement in which a list of conflicting entities is identified in a conflict attribute. Applicant respectfully submits that this more detailed aspect of the Applicant's invention is neither shown nor suggested by the art of record.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully submitted that the present Application, including Claims 195-203, is patently distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

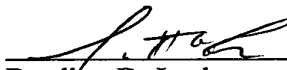
Respectfully submitted,

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